

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

ROGER W. SHERMAN

CIVIL NO. 09-491 (PJS/JSM)

Petitioner,

v.

ORDER

Warden M. CRUZ

Respondent.

---

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated September 23, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

**IT IS HEREBY ORDERED:**

Roger W. Sherman's Petition for Writ of Habeas Corpus [Docket No. 1] is  
**DISMISSED WITH PREJUDICE.**

Dated: 10/23/09

s/Patrick J. Schiltz

Patrick J. Schiltz  
United States District Judge